

Appln. Serial No. 09/944,969
Amendment Dated May 30, 2006
Reply to Office Action Mailed February 28, 2006

REMARKS

In the Office Action dated February 28, 2006, claims 1-20 were rejected under 35 U.S.C. § 102 over U.S. Patent Application Publication No. 2002/0169658 (Adler).

RULE 131 DECLARATION

The Office Action objected to the previously submitted Rule 131 Declaration as not providing sufficient evidence. In response, Applicant has attached additional evidence to establish an invention date prior to March 8, 2001, which is the earliest priority date of Adler.

The Invention Disclosure (Exhibit A) attached to the Rule 131 Declaration, which is dated prior to the effective date of Adler, provides a description of the invention. The Rule 131 Declaration identifies the sections of the Invention Disclosure that support the claimed invention. Exhibits B-E establish actual reduction to practice of the invention, in the form of software implemented in a computer. The software was executed and used prior to the effective date of Adler. As established by the Rule 131 Declaration, the executed software worked for its intended purpose.

As allowed by M.P.E.P. § 715.07, the dates on the Exhibits attached to the Rule 131 Declaration have been blocked off.

REJECTION UNDER 35 U.S.C. § 102(e)

In view of the invention date of the present invention being prior to the effective date of Adler, it is respectfully submitted that the § 102 rejection has been overcome. Newly added dependent claim 21 is also allowable.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10004567-1).

Respectfully submitted,

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